IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CASE NO.: **CWP No.8533 of 2004**

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DATE OF DECISION: August 28, 2006

HARMESH KUMAR ...PETITIONER

VERSUS

THE COLLECTOR AND ORS. ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA.
HON'BLE MRS. JUSTICE NIRMAL YADAV.

PRESENT: MR. DHARAM PAL, ADVOCATE FOR THE PETITIONER.
MR. C.M. MUNJAL, SR.ADDL.A.G., PUNJAB.
MR. YOGESH CHAUDHARY, ADVOCATE
FOR RESPONDENT NO.2.

ASHUTOSH MOHUNTA, J. (ORAL)

The challenge in the writ petition is to the orders, Annexure P-2 and P-4 by which respondent No.2 has been appointed as Chowkidar of village Saini Majra, District Roopnagar.

A perusal of the comparative merits of the petitioner vis-a-vis respondent No.2 shows that the petitioner is educated upto 7th class and is 40 years of age and respondent No.2 is 9th pass and is three years younger to him. Apart from the above, the petitioner is a resident of village Nurpur Bedi whereas, the chowkidari relates to village Saini Majra.

Both the Sub Divisional Magistrate, Anandpur Sahib and the Deputy Commissioner, Rupnagar have found respondent No.2 to be more meritorious than the petitioner.

Learned counsel for the petitioner contends that Rule 6 of the

Punjab Chowkidara Rules has not been followed as the recommendation of the Village Headman was not sought for.

However, keeping in view the fact that the petitioner is not even a resident of village Saini Majra, therefore, he has rightly not been considered to be appointed as Chowkidar. We find no merit in the writ petition and the same is accordingly dismissed.

Learned counsel for the petitioner prays that he be paid the honorarium for the post of Chowkidar for the period he worked on the post.

Mr. C.M. Munjal, Sr. Addl.A.G., Punjab states that in case the petitioner has worked on the said post then the amount shall be disbursed to him within a period of 3 months.

In view of the above, we direct respondent No.1 to pay the honorarium to the petitioner if due within a period of 3 months from the date of receipt of certified copy of this order.

(ASHUTOSH MOHUNTA)
JUDGE

August 28, 2006
Gulati

(NIRMAL YADAV)
JUDGE